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CENTRAL FAX CENTER

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No 10/695,295
Applicant: Gonzales et al.
Filed: October 28, 2003
TC/A.U. 3763
Examiner: Ahmed, Aamer S.
Docket No.: A-2966-AU
Customer No.: 21378

Confirmation No.: 4188

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300 on <u>Sept 27</u> , 2005	
<u>Barbara Johnson</u> (Type or print name)	<u>Barbara Johnson</u> (Signature)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached please find the following documents submitted for filing in reference to the above-referenced application:

1. Response to Election/Restrictions; and
2. Transmittal.

Respectfully submitted,

Barbara Johnson
Barbara Johnson
Applied Medical Resources

CUSTOMER NO.: 21378

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Application No	10/695,295)	Confirmation No.: 4188
Applicant:	Gonzales et al.)	
Filed:	October 28, 2003)	
TC/A.U.	3763)	
Examiner:	Ahmed, Aamer S.)	
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Customer No.:	21378)	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO ELECTION/RESTRICTIONS

Dear Sir:

This Election is filed in response to an Office Action mailed September 1, 2005.

A shortened statutory period for response has been set to expire on October 1, 2005.

The Election and Confirmation of Inventorship begin on page two of this paper.

Appl. No. 10/695,295

Dated: September 26, 2005

Reply to Office action of September 1, 2005

ELECTION

In the outstanding Office Action, restriction has been required between the following three groups of claims.

- I. Claims 1-15, drawn to valve apparatus, classified in class 604, subclass 167.01.
- II. Claims 16-22, drawn to method of making a valve, classified in class 623, subclass 2.11.
- III. Claims 23-25, drawn to method of accessing a kidney, classified in class 600, subclass 585.

Applicants provisionally elect for prosecution the claims of Group I. Applicants make this election without traversal.

In the outstanding Office Action, restriction has also been required between the following five (5) species as follows:

<u>SPECIES</u>	<u>FIGURE</u>
A:	6;
B:	8;
C:	10;

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D: 13; and

E: 14.

Applicants provisionally elect Species A, Figure 6. Applicants respectfully make this election with traversal. The claims that are readable on the elected species include claims 1-10. Claims 1-10 are allowable generic claims.

Species "D" is directed to Figure 13 and Species "B" is directed to Figure 8.

However, Figure 13 is a view taken from Figure 8. Since Figure 13 is taken from Figure 8, Figure 13 should be included as part of the same species as Figure 8. Hence, Applicants respectfully submit that the species election requirement is in error.

The inventorship as presently specified in the Application is accurate with respect to the elected invention.

In the Office Action Summary sheet for the present Action, Boxes 9 and 10 are checked. Box 9 indicates that the specification is objected to by the Examiner and Box 10 indicates that the drawings are objected to by the Examiner. However, in the Detailed Action for the present action, there is no indication that either the specification or the drawings are objected to by the Examiner. On Friday, September 23, 2005, David G. Majdali, attorney for Applicants, telephoned Examiner Aamer S. Ahmed and left a voicemail indicating that Boxes 9 and 10 were checked on the Office Action Summary but that there is no objection to the specification or the drawings in the Detailed Action. On Monday, September 26, 2005, Examiner Ahmed telephoned Mr. Majdali and left a voicemail indicating that Boxes 9 and 10 on the Office Action

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Summary were checked in error. Based on the foregoing, the objections to the specification and the drawings are not addressed in this Response.

Having addressed the outstanding issues in the Office Action, the application should now be in condition for examination.

Sincerely

APPLIED MEDICAL RESOURCES

BY



David G. Majdali

Reg. No. 53,257

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SEP 27 2005

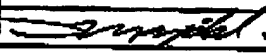
PTO/SB/21 (02-04)


Approved for use through 07/31/2006. OMB 0851-0031

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/695,295
	Filing Date	October 28, 2003
	First Named Inventor	Joseph A. Gonzales
	Art Unit	3763
	Examiner Name	Ahmed, Aamer S.
	Attorney Docket Number	A-2966-AU
Total Number of Pages in This Submission	6	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	Response to Election/Restrictions	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	David G. Majdall	
Signature		
Date	September 27, 2005	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Barbara Johnson		
Signature		Date	September 27, 2005

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